

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

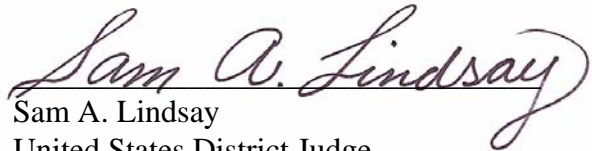
<b>MICHAEL WAYNE JOHNSON,</b>	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. <b>3:06-CV-1746-L</b>
	§	
<b>NATHANIEL QUARTERMAN, Director</b>	§	
<b>Texas Department of Criminal Justice,</b>	§	
<b>Correctional Institutions Division,</b>	§	
	§	
Respondent.	§	

**ORDER**

This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b) and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On October 23, 2006, the Findings and Recommendation of the United States Magistrate Judge (“Report”) were filed. Petitioner filed his Objections to Findings and Recommendations of the United States Magistrate Judge (“Objections”) on November 7, 2006. After making an independent review of the pleadings, file and record in this case and the magistrate judge’s Report, the court **determines** that the magistrate judge’s findings are correct. Petitioner Johnson, serving one ninety-nine and one forty-year sentence on two separate rape convictions, issued in 1980 and 1981, brought this petition to challenge both convictions. The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) establishes a one-year statute of limitation for federal habeas petitions brought under 28 U.S.C. § 2254. *See* 28 U.S.C. § 2244(d). The court agrees with the magistrate judge’s Report that Petitioner’s claims are time-barred by the AEDPA, since he did not seek post-conviction relief until 2001 on his first

conviction, and until 2003 on his second conviction; and that the petitioner is not entitled to equitable tolling. The magistrate judge's findings are, therefore, **accepted** as those of the court. Since Petitioner's Objections reiterate the legal arguments initially presented by his petition, they are **overruled**. Accordingly, the court **denies** Petitioner's petition for the writ of habeas corpus and **dismisses** this action with prejudice as time-barred.

**It is so ordered** this 30<sup>th</sup> day of November, 2006.

  
Sam A. Lindsay  
United States District Judge